

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 245 be amended to read as follows:

- 1 Page 19, line 28, delete "(as defined in".
- 2 Page 19, line 29, delete "IC 8-1-34-14)".
- 3 Page 57, line 13, delete "service (as defined in IC 8-1-34-14)" and
- 4 insert **"service;"**.
- 5 Page 64, line 22, delete "service (as defined in IC 8-1-34-14)" and
- 6 insert **"service;"**.
- 7 Page 67, delete lines 27 through 42, begin a new paragraph and
- 8 insert:
- 9 **"Sec. 1. As used in this chapter, "incumbent cable operator"**
- 10 **means the cable operator (as defined in 47 USC 522(5)) serving the**
- 11 **largest number of cable service subscribers in a particular unit."**
- 12 Page 68, delete lines 1 through 10.
- 13 Page 68, line 11, delete "Sec. 8." and insert **"Sec. 2."**
- 14 Page 68, line 12, delete ":".
- 15 Page 68, delete line 13.
- 16 Page 68, line 14, delete "(2)".
- 17 Page 68, run in lines 12 through 14.
- 18 Page 68, line 14, delete "video service" and insert **"cable"**.
- 19 Page 68, line 15, after "system" insert **"(as defined in 47 USC**
- 20 **522(7))"**.
- 21 Page 68, delete lines 16 through 42, begin a new paragraph and
- 22 insert:
- 23 **"Sec. 3. As used in this chapter, "unit" has the meaning set forth**
- 24 **in IC 36-1-2-23.**
- 25 **Sec. 4. As used in this chapter, "video programming" has the**
- 26 **meaning set forth in 47 U.S.C. 522(20).**
- 27 **Sec. 5. (a) An entity may not provide video programming by**
- 28 **means of any facilities, regardless of technology, that in whole or in**
- 29 **part make use of public rights of way without a franchise.**
- 30 **(b) A unit shall make available to any other entity that seeks to**
- 31 **provide video programming by means of facilities that in whole or**

1 in part make use of public rights of way, regardless of technology,
2 a local franchise containing identical terms and conditions to the
3 franchise in effect for the incumbent cable operator serving the
4 unit. After March 30, 2006, a franchise issued under this chapter
5 must contain terms and conditions that are no less burdensome on
6 the provider than the terms and conditions contained in the local
7 franchise in effect for the incumbent cable operator serving the
8 unit.

9 (c) The unit shall make the local franchise described in
10 subsection (b) available for execution not more than fifteen (15)
11 days after the receipt of a written application that is in a form
12 acceptable to the unit and that contains the information required
13 by the unit."

14 Delete pages 69 through 83.

15 Page 84, delete lines 1 through 4.

16 Page 84, line 40, delete "service (as defined in IC 8-1-34-14)" and
17 insert "**service**;"

18 Renumber all SECTIONS consecutively.

(Reference is to SB 245 as printed January 12, 2006.)

Senator FORD